(1) (A152) (B)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

MISELLANEOUS APPEAL (S) NO. - 313 OF 2006

(MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLES ACT, 1988)

APPELLANT CLAIMANT – Dr. A.K. Bhoite, aged about 55 years, S/o K.M. Bhoite, R/o- House No. - J-3, Sector -, Avanti Vihar, Telibadha, Raipur, District – Raipur (C.G.)

VERSUS

RESPONDENTS NON-CLAIMANTS

1. Chovaram Nishad S/o Bhagwani Nishad aged about 22 years, R/o- New Purena, Near the Church, Telibandha, Raipur, Tehsil & District - Raipur (C.G.)

2. Smt. Hamida Bano Khanani W/o Moh. Arif Khanani, R/o- Near the Favara Chowk, Bairan Bazar, Raipur, Tehsil & District- Raipur (C.G.)

3. The New India Insurance Company Limited, Through Divisional Manager, Divisional Office No. 1, Madina Building, Kutchery Chowk, Medical College Road, Raipur, Tehsil & District- Raipur (C.G.)

P.R. No. 1877/06 Presented by Shri S. Pandey dated 23/7/06

MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLES ACT, 1988

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

मामला क्रमांक MA (PC) 313/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09.11.2006

Appellant by Shri Shivendu Pandya, Advocate.

I.A.No.3412 of 2006 for taking document (synopsis) on record is allowed.

Heard on admission.

The only point urged by the learned counsel for the appellant is that the compensation awarded by the learned M.A.C.T. for the damage sustained to the Car of the appellant is not just and reasonable. However, on a careful perusal of paras 9 and 10 of the impugned award, it is crystal clear that the appellant did not lead any evidence or make any statement before the learned M.A.C.T. relating to the expenses incurred on repair of the Car. It also appears that the documents A-6, 7 and 8 were mere estimates given by Diamond Motors for the repairs to be undertaken on the Car of the appellant. No evidence was adduced to prove these documents. Learned M.A.C.T. after a careful perusal of the estimates as also the photographs of the Car of the appellant has also come to the conclusion that the documents filed by the appellant are false.

In this view of the matter, no ground is made out for admission of this appeal which is devoid of merit. Appeal is accordingly dismissed. No order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

16-11-06